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Reply to Hauppauge Office

May 23, 2018

VIA ELECTRONIC FILING
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Attn: Hon. Judge Joan M. Azrack

RE: *Board of Education of the Uniondale Union Free School District, Plaintiff – v – J. P. and S.P., individually, and as parents and legal guardians of S.P., a minor, Defendants.*
Federal Docket Number: 18-CV-1038 (JMA/AYS)
Assigned Judge: Joan M. Azrack; Magistrate Judge Anne Y. Shields

Dear Hon. Judge Azrack:

Our firm represents the Uniondale Union Free School District (“District”) in the above matter currently pending before this Court. At the suggestion of Magistrate Judge Shield’s part, I was advised to direct this particular inquiry to Your Honor, as the issue I seek guidance on concerns an anticipated dispositive motion.

The within matter pending before this Court involves, among other things, a modified *de novo* review of a New York State Department of Education State Review Office decision under Section 1415(i)(2) of the Individuals with Disabilities Education Act, as amended (the “IDEA”). As such, it will become necessary to arrange with the New York State Department of Education State Review Office (“SRO”), the manner in which the hearing and SRO record on appeal is to be forwarded to this Court. Once the administrative record has been docketed with this Court, we anticipate requesting to have this Court review the administrative record by way of a motion for summary judgment, as is typically done in IDEA review cases.

Please note that I was advised by the State Review Office that only a paper hardcopy version of the certified copy of the administrative record on appeal can be forwarded to this Court. In particular, the SRO does not, or cannot, arrange to have the administrative record uploaded to this Court’s electronic filing docket. As alternatives, the SRO advised that depending on the Court’s preference, the SRO can either: (1) forward the certified administrative record to me as counsel for Plaintiff, meaning that I would then be responsible for ensuring that the complete certified record, transcripts of testimony and exhibits, are electronically filed; or (2) deliver a hardcopy of the certified administrative record directly to the Court for the Court to then arrange to have the certified administrative record filed on its electronic filing docket.

Hon. Judge Joan M. Azrack

May 23, 2018
Page 2 of 2

Re: Board of Education v. J.P. and S.R., S.P. (Docket No. 18-CV-1038

Kindly advise me as to this Court's preferred method of receiving the entire administrative hearing record.

Very truly yours,

//S *David F. Kwee*

David F. Kwee, Esq.

DFK/mc

cc: Christina D. Thivierge, Esq. Attorney for Defendants (*via ECF*)